



House of Representatives

File No. 700

General Assembly

February Session, 2004

(Reprint of File Nos. 295 and 661)

Substitute House Bill No. 5429
As Amended by House
Amendment Schedule "A"

Approved by the Legislative Commissioner
May 1, 2004

**AN ACT CONCERNING ADMINISTRATION OF MEDICATION IN
SCHOOLS, CONCERNING SCHOOL NURSES, AND REPEALING AN
OBSOLETE SECTION OF THE STATUTES.**

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. Subsection (a) of section 10-212a of the general statutes, as
2 amended by section 4 of public act 03-211, is repealed and the
3 following is substituted in lieu thereof (*Effective July 1, 2004*):

4 (a) (1) A school nurse or, in the absence of such nurse, any other
5 nurse licensed pursuant to the provisions of chapter 378, including a
6 nurse employed by, or providing services under the direction of a local
7 or regional board of education at, a school-based health clinic, who
8 shall administer medical preparations only to students enrolled in such
9 school-based health clinic in the absence of a school nurse, the
10 principal, any teacher, licensed physical or occupational therapist
11 employed by a school district, or coach of intramural and
12 interscholastic athletics of a school may administer, subject to the
13 provisions of subdivision (2) of this subsection, medicinal
14 preparations, including such controlled drugs as the Commissioner of

15 Agriculture and Consumer Protection may, by regulation, designate,
16 to any student at such school pursuant to the written order of a
17 physician licensed to practice medicine or a dentist licensed to practice
18 dental medicine in this or another state, or an advanced practice
19 registered nurse licensed to prescribe in accordance with section 20-
20 94a, or a physician assistant licensed to prescribe in accordance with
21 section 20-12d, and the written authorization of a parent or guardian of
22 such child. The administration of medicinal preparations by a nurse
23 licensed pursuant to the provisions of chapter 378, a principal, teacher,
24 licensed physical or occupational therapist employed by a school
25 district, or coach shall be under the general supervision of a school
26 nurse. No such school nurse or other nurse, principal, teacher, licensed
27 physical or occupational therapist employed by a school district, coach
28 or school paraprofessional administering medication pursuant to
29 subsection (d) of this section shall be liable to such student or a parent
30 or guardian of such student for civil damages for any personal injuries
31 which result from acts or omissions of such school nurse or other
32 nurse, principal, teacher, licensed physical or occupational therapist
33 employed by a school district, coach or school paraprofessional
34 administering medication pursuant to subsection (d) of this section in
35 administering such preparations which may constitute ordinary
36 negligence. This immunity shall not apply to acts or omissions
37 constituting gross, wilful or wanton negligence.

38 (2) Each local and regional board of education that allows a school
39 nurse or, in the absence of such nurse, any other nurse licensed
40 pursuant to the provisions of chapter 378, including a nurse employed
41 by, or providing services under the direction of a local or regional
42 board of education at, a school-based health clinic, who shall
43 administer medical preparations only to students enrolled in such
44 school-based health clinic in the absence of a school nurse, the
45 principal, any teacher, licensed physical or occupational therapist
46 employed by a school district, or coach of intramural and
47 interscholastic athletics of a school to administer medicine or that
48 allows a student to self-administer medicine shall adopt written

49 policies and procedures, in accordance with this section and the
50 regulations adopted pursuant to subsection (c) of this section, that
51 shall be approved by the school medical advisor or other qualified
52 licensed physician. Once so approved, such administration of
53 medication shall be in accordance with such policies and procedures.

54 Sec. 2. Section 10-212 of the general statutes, as amended by section
55 3 of public act 03-211, is repealed and the following is substituted in
56 lieu thereof (*Effective from passage*):

57 (a) Each local or regional board of education shall appoint one or
58 more school nurses or nurse practitioners. Such school nurses and
59 nurse practitioners appointed by such boards shall be qualified
60 pursuant to regulations adopted in accordance with the provisions of
61 chapter 54 by the State Board of Education in consultation with the
62 Department of Public Health. Such school nurses may also act as
63 visiting nurses in the town, may visit the homes of pupils in the public
64 schools and shall assist in executing the orders of the school medical
65 advisor, if there is any in such town, and perform such other duties as
66 are required by such board.

67 (b) Notwithstanding any provision of the general statutes or any
68 regulation of Connecticut state agencies, nothing in this section shall
69 be construed to prohibit the administering of medications by parents
70 or guardians to their own children on school grounds.

71 (c) School nurses and nurse practitioners appointed by or under
72 contract with any local or regional board of education and any nurse
73 provided to a nonpublic school under the provisions of section 10-
74 217a, as amended, shall submit to a criminal history records check in
75 accordance with the provisions of section 29-17a.

76 Sec. 3. Subsection (b) of section 10-221d of the general statutes is
77 repealed and the following is substituted in lieu thereof (*Effective July*
78 *1, 2004*):

79 (b) If a local or regional board of education, endowed or

80 incorporated academy approved by the State Board of Education
81 pursuant to section 10-34, or special education facility approved by the
82 State Board of Education pursuant to section 10-76d, as amended,
83 requests, a regional educational service center shall arrange for the
84 fingerprinting of any person required to submit to state and national
85 criminal history records checks pursuant to this section or for
86 conducting any other method of positive identification required by the
87 State Police Bureau of Identification or the Federal Bureau of
88 Investigation and shall forward such fingerprints or other positive
89 identifying information to the State Police Bureau of Identification
90 which shall conduct criminal history records checks in accordance with
91 section 29-17a. Such regional educational service centers shall provide
92 the results of such checks to such local or regional board of education,
93 endowed or incorporated academy or special education facility. Such
94 regional educational service centers shall provide such results to any
95 other local or regional board of education or regional educational
96 service center upon the request of such person.

97 Sec. 4. (*Effective July 1, 2004*) Section 8 of public act 03-168 is
98 repealed.

This act shall take effect as follows:	
Section 1	<i>July 1, 2004</i>
Sec. 2	<i>from passage</i>
Sec. 3	<i>July 1, 2004</i>
Sec. 4	<i>July 1, 2004</i>

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note**State Impact:**

Agency Affected	Fund-Effect	FY 05 \$	FY 06 \$
Public Safety, Dept.	GF - Revenue Gain	Minimal	Minimal

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 05 \$	FY 06 \$
All Municipalities	Cost	Minimal	Minimal

Explanation

The requirement that written policies and procedures be developed and approved with regard to the administering of medicine to students as set forth in the bill results in a minimal cost to local and regional school districts that choose the allowances set forth in the bill. Such costs would be minimal and could be accommodated within the existing resources of any district.

The bill also results in a minimal revenue gain to the state due to a minor increase in criminal history background checks. The charge for such checks is \$25.

House "A" added language concerning school nurses and criminal history checks and resulted in the minimal revenue gain.

OLR BILL ANALYSIS

sHB 5429 (as amended by House "A") *

AN ACT CONCERNING ADMINISTRATION OF MEDICATION IN SCHOOLS AND REPEALING AN OBSOLETE SECTION OF THE STATUTES**SUMMARY:**

This bill:

1. makes statutory the requirement that school boards adopt written policies and procedures for administering medication in schools and changes the approving authority for such policies and procedures from the Department of Public Health (DPH) to the local school medical adviser or other qualified physician;
2. requires nurses and nurse practitioners that provide health services to students in a public or private school to submit to criminal background checks even if they are not directly employed by the local school board or private school;
3. requires regional education service centers (RESCs) to arrange for the fingerprinting of school personnel of the State Board of Education (SBE) approved endowed or incorporated academies and special education facilities upon the request of those institutions; and
4. repeals a section of the statutes that references repealed State Department of Education (SDE) regulations.

*House Amendment "A" added the provisions on criminal background checks on school nurses and fingerprinting.

EFFECTIVE DATE: July 1, 2004, except the provisions on criminal background checks is effective upon passage.

WRITTEN POLICIES GOVERNING THE ADMINISTRATION OF MEDICATION IN SCHOOLS

The bill requires school boards that allow authorized individuals to dispense medication to students or students to self-administer medication to adopt policies and procedures in accordance with SDE regulations. Such policies must be approved by the school medical adviser or other qualified licensed physician. Once approved, the administration of medication must be done in accordance with the policies and procedures.

Under current regulations, school boards that allow the administration of medication in schools must establish policies and procedures for such administration by school personnel that must be reviewed and approved by DPH.

CRIMINAL BACKGROUND CHECKS FOR SCHOOL NURSES

The bill requires nurses and nurse practitioners appointed by or contracting with a local or regional board of education or those provided to private schools to provide health services to students to submit to state and national criminal history record checks.

The law already requires such checks for (1) anyone hired by a local board of education after July 1, 1994 and (2) any worker placed in a public school under a public assistance employment program who performs a service involving direct contact with students. It also allows the supervisory agent of any private school to require any applicant for a school position or any school employee to submit to a check.

FINDERPRINTING OF ENDOWED/INCORPORATED ACADEMY AND SPECIAL EDUCATION FACILITY PERSONNEL

The bill requires a RESC, upon the request of an SBE approved endowed or incorporated academy or special education facility, to arrange for (1) the fingerprinting of any person required to submit to criminal background checks (as discussed in the previous section) or (2) any other method of positive identification required by the State Police Bureau of Identification or the Federal Bureau of Investigation (FBI.)

The bill requires the RESC to send the fingerprints or other positive identifying information to the State Police Bureau of Investigation or

the FBI, which conducts a criminal history records check. The RESC is required to provide the results to the endowed or incorporated academy or special education facility.

Under current law, RESCs are required to provide these services to local and regional board of educations upon request.

BACKGROUND

Endowed or Incorporated Academies

Currently there are three endowed or incorporated academies in Connecticut: the Gilbert School, Norwich Free Academy, and Woodstock Academy. These private schools serve as public high schools for towns in their areas.

Legislative History

On April 6, the House referred the bill (File 295) to the Public Health Committee. On April 13, the committee reported a substitute that removed provisions of the original bill that added nursing assistants to the list of individuals who can administer medication to students and gave them immunity from liability for their negligent acts or omissions in the course of doing so.

COMMITTEE ACTION

Education Committee

Joint Favorable Substitute

Yea 25 Nay 0

Public Health Committee

Joint Favorable Substitute

Yea 22 Nay 0